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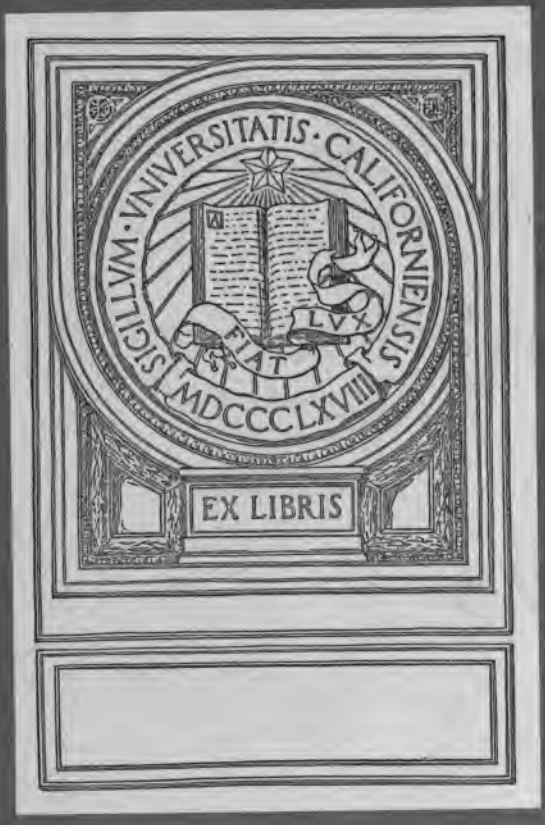

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THE TRUE THEORY

OF

REPRESENTATION IN A STATE.

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THE TRUE THEORY

OF

REPRESENTATION IN A STATE;

OR,

THE LEADING INTERESTS OF THE NATION,

NOT THE MERE PREDOMINANCE OF NUMBERS,

PROVED TO BE ITS PROPER BASIS.

BY

GEORGE HARRIS,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

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LONDON:

LONGMAN, BROWN, GREEN, LONGMANS, AND ROBERTS.

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PREFACE.

A SMALL pamphlet, bearing the title of the present work, was a few years ago put forward by the author, and contained the germ of the essay now offered to the public. The principles which it enunciated are more fully explained, and are more extensively carried out in the following pages than were allowed by the limits of the former publication. Much matter that is altogether new has, moreover, been here introduced, and some topics are discussed which were not embraced by the pamphlet in question. On the other hand, a portion of the matter contained in the previous work has been omitted in the present treatise.

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The author has, however, much pleasure in availing himself of this opportunity to acknowledge with gratitude the kindness and liberality with which the production alluded to was received; and it is most satisfactory to him to be able to announce the decided advancement of the principles which he endeavoured to enunciate, the truth of which has now been assented to by so many independent authorities of extensive influence and high intelligence. The correctness and value of the theory which he has propounded have been admitted by some of the leading organs of the press, by whom the principles of the work in question were candidly and dispassionately discussed. Several newspapers and periodicals of opposite politics and opinions noticed the publication in the most liberal manner, and in very favourable terms, and by certain of them the adoption of its proposals has been directly and powerfully urged.

With influential personages of different

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parties the author has also been brought into communication, and has received from them the most satisfactory assurances of their approval of his sentiments. And a very able and eloquent statesman, Sir James Graham, in his speech to his constituents at Carlisle, soon after the pamphlet alluded to had appeared, not only echoed the sentiments of the writer, but in nearly the same words.

Petitions to both Houses of Parliament, to which were attached the signatures of several of the most distinguished scientific, literary, and professional men of the present day, praying for the adoption, in any scheme of Parliamentary Reform, of principles in accordance with and based upon those here maintained, were some time ago presented, and called forth very interesting debates. Moreover, certain of the leading statesmen of each party have avowed their conviction of the necessity of some plan similar to that

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propounded by the author of the present work being ultimately adopted.

The most important and the most satisfactory test, however, of the real progress of the principles which the author is desirous of maintaining, is the direct acknowledgment of their correctness, and, to a certain extent, the actual adoption of them, in the last measure introduced into Parliament by Government on the subject of Parliamentary Reform, in which several of the proposals here made were embodied.

While the conclusions at which the writer has arrived are deduced from an investigation of the first principles of political government, and of parliamentary representation; exactly similar conclusions have been obtained through an inquiry into the practical working of our present representative system, by a gentleman of great talent and extensive experience, Mr. A. G. Stapleton, in a work entitled, "Suggestions for a Conservative and Popular Reform of the House of Commons."

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Another very able and excellent pamphlet has since been put forward by Sir Eardley Wilmot, Bart., entitled, "Parliamentary Reform. A Letter to Richard Freedom, Esq., on the Redistribution, Extension, and Purification of the Elective Franchise," in which, by reference to statistical details, the practicability of a part of the plan proposed, both in the pamphlet alluded to by the author of these pages, and in the work of Mr. Stapleton, is satisfactorily proved.

It is highly gratifying to the author to be able to record that this very important and interesting subject has hitherto been discussed in a spirit of candour, moderation, and liberality which is well worthy of it, but which few other questions of corresponding magnitude have been so fortunate as to obtain. Of the steady if not speedy advancement, and ultimate triumph, of the principles here propounded, he feels confident that their followers may now feel secure.

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THE

TRUE THEORY

OF

REPRESENTATION IN A STATE.

Errors in matters of government, and in legislation more especially, have generally arisen not so much from following a wrong principle, as from proceeding without the adoption of any principle whatever. If wrong principle has produced its errors by thousands, the absence of all principle has produced its errors by tens of thousands. A vessel guided by an indifferent chart, or directing its course by the planets, which are occasionally obscured, is more likely to steer correctly than one proceeding entirely in the dark and having no principle of guidance whatever. The course of the former may be sometimes wrong, but that of the latter will be seldom if ever right.

Questions of legislation are necessarily of themselves matters of importance. Of all legislative

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questions, those which relate to the form and constitution of political bodies are of the first magnitude; and such as concern the regulation of the representative system of any State bear most directly upon the welfare and the interests of the people. On subjects of this nature it is, therefore, of the utmost consequence that the guiding principles should be certain, and that they should be correct. The two leading defects ordinarily attendant both on the framing and the discussion of the different great legislative and constitutional measures of the present day, appear to be the neglecting to consider them as regards their first principles, and the want of a sufficiently comprehensive view of the matter.

It may seem, indeed, to many, to be a task of no mean difficulty to determine and define what the representative body of a great and civilised nation ought to consist of, and above all of what it should be the representative, and what interests should there predominate and obtain the leading influence: whether the whole nation should be thus represented, with all its interests together and equally; or whether certain only of those interests should exercise influence in the legislative council.

If we compare the State to the man, as has, indeed, been finely and philosophically done by Plato,—where he has been followed, moreover, by

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some of the greatest and most profound political writers and philosophers, both in ancient and modern times,—we may, without adopting Platonism, have afforded to us the most comprehensive and just view of the real nature and operation of the various contradictory influences, energies, and powers, which are existent in, and conduce to the development and discipline of each. Thus the higher faculties of the soul, and its purer aspirations, which in the man ought to exercise the predominant influence, he compares to the influence of the wisest and best men in the commonwealth, while the dominion of the appetites and passions he assimilates to mob rule. Wisdom alone, he tells us, is entitled to and capacitated for the supreme government, just as reason is the monarch of the mind. And, as in the man, the passions and lower impulses of our nature should ever be subjugated to the intellect and the moral sense, so in a State, intelligence and virtue should predominate over folly and licentiousness.*

Aristotle, too, however varying from Plato, whom he appears to take every opportunity of contradicting, agrees with him in all that is essential to the theory advanced by him, and here contended to be the only correct principle, that the higher interests and influences in the State, those of virtue and

* Republic, b. ii. vii. ix.

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intelligence, ought ever to predominate, whether as regards its general constitution or its representative body. Of Aristotle's Treatise on Politics, that great philosopher and liberal politician, Locke, remarks, after referring to his own mode of treating the question of Government, "Aristotle is allowed a master in this science, and few enter into this consideration of Government without reading his Politics."* Aristotle, like Plato, compares the State to the man, and with him contends for the supremacy of the higher influences only in both, and asserts that the same energies and habits constitute the happiness both of individuals and of nations. As regards the influence of numbers being allowed to be the predominating interest in the State, he tells us that as the majority of the people are poor, their justice will therefore be rapacity; and that as the majority are ignorant, their policy therefore will be folly. That they are influenced by impetuous passions, and are therefore unfit to be intrusted with the government.† But neither, on the other hand, does he contend for the supremacy of the rich alone. Excessive wealth and excessive poverty, he says, are equally productive of that restless temper which subverts laws and ruins States.‡ He consequently declares

* Letter to Mr. King. † Politics, b. iv.
‡ B. vi.

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that those are the best commonwealths wherein men of moderate fortunes abound and exercise influence, and such a wise legislator should endeavour to secure. In another part * he tells us that "Governments are good and nations happy in proportion to the preponderancy of the middle ranks, and their ability to defy the pride and oppression of the great, as well as to resist the rapacity and malignity of the vulgar." But he also states, what is peculiarly applicable to the present crisis, that "Governments are invariably liable to be shaken when the natural influence of wealth or of nobility is resisted by the weight of numbers, and the independence of industry."† In the succeeding book he inquires, "How is the regard due to property, a thing essential to the existence of States, to be reconciled with the interest of the people at large, and the rights of the majority?" ‡ He then contends forcibly against the influence of numbers being allowed to prevail over that of wealth, as destructive at once of the existence of the State.

Locke, indeed, in his "Treatise of Government," does appear, at first sight, to favour the theory which is the one opposite to that which I am endeavouring to establish, and to hold the opinion that the mere numerical majority in a nation,

* B. vii. † Ibid. ‡ Ibid.

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without reference to the influences of property or intelligence, ought to predominate in the government of a state. He says, "Men being by nature all free, equal, and independent, no one can be put out of this estate, and subjected to the political power of another without his own consent, which is done by agreeing with other men to join and unite into a community. . . . . When any number of men have so consented to make one community or government, they are thereby presently incorporated, and make one body politic, wherein the majority have a right to act and conclude the rest."* But it is to be borne in mind that he is treating here only of the first formation of a political society, and not of framing for it a settled form of government. In the constitution for Carolina, which was drawn up by this great philosopher, so far from universal suffrage being contemplated, or the votes of the majority being allowed to bind the nation, he proposed to confer the electoral franchise on those only who had a certain interest in the land.†

Our great constitutional writer, Sir William Blackstone, speaks of the House of Commons as the representative body not merely of the people at large, who, all will admit, ought to have a very

* Treatise of Government, part ii. c. viii.

† Locke's Works, vol. x.

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considerable influence in its election, but as intended to represent also the different great interests of the State. The Commons, he says, consist of all such men of any property in the kingdom as have not seats in the House of Lords, every one of which has a voice in Parliament, either personally or by his representatives. In a free state, every man, says the Commentator, who is supposed a free agent, ought to be, in some measure, his own governor, and therefore a part at least of the whole legislative power should reside in the whole body of the people. The counties are therefore represented by knights elected by the proprietors of lands; the cities and boroughs are represented by citizens and burgesses, chosen by the mercantile part, or supposed trading interest, of the nation.*

Paley also takes the same view as regards the constitution of the representative assembly of the nation, and its object being to represent not merely numbers, but the various great and leading interests in the state. He says, that, by annexing the right of voting for members of the House of Commons to different qualifications in different places, each order and profession of men in the community become virtually represented; that is, men of all orders and professions, statesmen, courtiers, country gentlemen, lawyers, merchants, ma-

* Commentaries, vol. i. b. i. c. ii.

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nufacturers, soldiers, sailors, interested in the prosperity, and experienced in the occupation of their respective professions, obtain seats in Parliament. And that the elections, at the same time, are so connected with the influence of landed property, as to afford a certainty that a considerable number of men of great estates will be returned to Parliament; and are also so modified, that men the most eminent and successful in their respective professions are the most likely, by their riches, or the weight of their stations, to prevail in these competitions.*

Similar views are expressed, and the principle here advocated is upheld, by that profound philosophical writer and distinguished politician, Burke, who tells us that nothing is a due and adequate representation of a State that does not represent its ability as well as its property. And in answer to the inquiry, "Whether twenty-four millions ought to prevail over two hundred thousand?" he replies, "True, if the constitution of a kingdom be a problem of arithmetic." He adds: "The property of France does not govern it: of course property is destroyed, and rational liberty has no existence." †

Such is the constitutional theory of a represen-

* Moral Philosophy, vol. ii. b. vi.

† Reflections on the French Revolution.

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tative system propounded by these different great writers and political philosophers, where, however varying from one another on many points, they all agree in the necessity of making the leading interest of the State, and not the mere will of the majority of the populace, the predominating influence.

In opposition, however, to the doctrines here maintained, and according to the theory of many in the present day, as developed both in the Reform Act and in the principles propounded by them; the only legitimate interest and influence in the representative body of the nation is that of numbers, which alone are contended to form the real representative element in a free State, and which ought, we are told, to prevail in legislation on all matters, whether relating to property or to persons. The general and leading interests of the State, according to this creed, ought to have no influence in the House of Commons.

The main question, therefore, now at issue, which it is my present object to raise, and which it appears extraordinary has not before been mooted, is this. Ought *interests*, or ought *numbers* only, to form the representative element in a State? The cry of the mob, and the principle of the Reform Act, go to establish the latter doctrine. In opposition to them I, however, venture humbly to

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submit to the candid reader that the former is the true and the real constitutional theory of representation.

Although I do not deny the right of the people to representation, and to a full, and fair, and direct representation in the House of Commons; yet, on the other hand, I do also contend that the interest of numbers, or what is vulgarly termed the voice of the million, is not the only interest, but merely one out of the several, which ought to exercise influence in the representative assembly of the nation.

It was some time ago declared upon very high authority *, and very general assent has, I believe, been given to the proposition, that a measure may be legitimately passed through the House of Commons, though the opinion of a numerical majority of the nation is directly against it. And, in support of this doctrine, it may be observed that, of the whole nation, probably one half at least understand nothing of the nature or merits of the question. Ought, then, their voices to overpower the opinions and votes of those who are acquainted with the matter? Moreover, the higher and more complicated any question is, the less likely is it to be understood by the mass of the people. Which, then, should the Legislature adopt, the opinion of the

* Lord Aberdeen's Speech in the House of Lords on the Ecclesiastical Titles Bill, July, 1851.

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majority who do not, or of the minority who do, understand the question? If the Legislature is bound to adopt the opinion of the majority, then error may be the proper basis of legislation, and a vast saving of valuable public time might be forthwith effected by altogether dispensing with argument and debate. But if the opinion of a minority who understand the question is to prevail, what becomes of the theory that the voice of the multitude is the only fair representation of the State? If, however, the influence of numbers is not the legitimate representative element of a nation, what is? Can any voice be more mildly deliberative, any mind more intelligent, than that of the mob? This question shall be answered presently, when we come to analyse the different interests, and to define the real representative elements of a State.

Again, it may very often happen with regard to any particular measure which is in course of discussion, that the people will consider it only as to its general and theoretical, without at all regarding it as to its particular and practical, application. The Free-trade question affords us a case exactly in point. It may be admitted, for the sake of illustration, that the opinion of the majority of the nation was decidedly in favour of what is almost an undeniable proposition, that Free-trade in the abstract is a most desirable thing. But it does not

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necessarily follow from this that the more important question — the only question, indeed, applicable to the late measure — whether a uniform system of free-trade could be established in this country, shackled as we are by an enormous national debt — and the negative of which many will hold to be as certain as the positive of the other — should be so decided. Indeed, one of these questions would in many instances be discussed, and be determined without or independent of the other, and but a very small and insignificant minority would view them both together, which is nevertheless the only satisfactory and correct mode of dealing with the subject. Ought, then, the voice of the majority, who may not have considered this or any other measure in its true light, to bind the opinion of the minority, who have so discussed it? If not, what becomes of the principle that the voice of the multitude ought to be the predominant authority in the State?

It is just possible, indeed, that if the question was to be submitted to the whole body of the nation whether the funded property of the country, and that of the Church, should at once be confiscated, and applied in the discharge of the national debt, or distributed among the populace, a decisive majority of the people, on the nation being polled out, might at some period be found to

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vote in the affirmative; and, according to the modern theory of representation, the question would be fairly settled by recourse to this mode.

I hold mobs, with every respect for them, to be remarkably bad tutors as to the first principles of government, though often very useful instructors as to their practical operation. But I am also persuaded that, whatever even Plato may have urged to the contrary, speculative philosophers would make nearly as bad rulers of the State as the august mobility itself. The former would be as deficient in practical knowledge, as the latter would be ignorant of the principles of government.

Nevertheless, I have the greatest respect, nay even regard, for mobs, especially for British mobs. I admire them for their genuine honesty of purpose, and for the hearty resolution with which they support their views. Possibly, they may occasionally be deficient in refined taste; and they are often wanting in courtesy towards those from whom they differ. But this militates nothing against their constitutional value. The great defect in them is their extreme gullibility. They are ever apt to be the dupes of designing agitators; and their very honesty disarms them of suspicion towards others.

But, although I would trust a mob never to elect a statesman who was known to be corrupt, or

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who was an avowed supporter of proved abuses, I dare not intrust it with nice matters of legislation. Many an honest cobbler who is an adept in all that appertains to his last, would make a bungling business of mending a watch. So is it with the mob, which is valuable only as an integral part of the State. As such, however, it ought always to be kept in its own proper sphere. A mob is no more fitted to rule the nation (as many of its leaders desire that it should do, or rather that they should do so for it and under its supposed guidance) than a railway porter, though most useful in his way, and very valuable as a portion of the establishment, is qualified to manage the steam-engine which draws the train.

Nor does it by any means necessarily follow that any particular body of the people should be entitled to have in their hands the representative influence, although they may be not only numerous, but also intelligent and industrious. The thieves and pick-pockets of London are a very numerous, a most intelligent, and a particularly industrious body of men. No formal complaint, however, has as yet been made to Parliament that they are not adequately represented there. And it is due to them to state that there is no doubt that, if they were so represented, great ameliorations in our criminal code might through their aid be effected.

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The principle that numbers and not interests form the only true element of representation, has been applied to the reform of corporations as well as of the House of Commons, and, as might have been expected, with a corresponding degree of success. Interests of various kinds, principally those of property and commerce, were, in what we must conclude to be a very dark period of our history, entrusted to the management of persons only of a certain class. Until recently a vulgar prejudice had infused itself into the national mind that people of education and property were the most fit to administer trusts of a difficult nature where property was concerned. This unfounded and insidious delusion was happily expelled by the Municipal Reform Act, which conferred on numbers, and in many cases on ignorance and indigence, the care of interests which had been usurped by those who had most at stake, and who were of superior intelligence.

The error in this case, doubtless a very grievous one, was not in allowing the people at large to have a voice and a vote in the affairs of, and a proper degree of control over, municipal corporations, to which they were clearly and absolutely constitutionally entitled; but in taking the legislative and judicial functions out of the hands of those who by property and education were most fitted to

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discharge them satisfactorily, and conferring them on those who were deficient in these very essential qualifications.

Taxation is also, surely, a very unfair and very unsatisfactory criterion to resort to in the regulation of the general principle of representation, or of electoral suffrage. Taxation is, happily, but a very small part of the duty of a legislator; and even if it was more important, the principle as determined by this is most unjust. The rule is, in fact, adopted, if the truth may be told, not so much for the purpose of enfranchising any, as for the purpose of excluding certain persons from the franchise; while no additional enfranchisement is conferred upon those who pay the most by way of taxes. The people are surely as much interested in the making of laws which they have to obey, and ought consequently to have a voice in the enactment of, as they are in the precise mode of levying taxes, which, unfortunately, must be raised by some device or other, whoever and whatever our representatives may chance to be.

If, however, it could be proved that those only who pay taxes are of right entitled to a share in the suffrage, I would humbly ask who in this happy country are wholly exempt from taxation? Does not every individual in the State, from the highest

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peer to the humblest beggar, either directly or indirectly, if not in both these modes, and in many ways, pay tax on every single article that he uses, whether for food or for dress? If so, and taxation be the test of elective qualification, then, not only all intelligent and independent persons, but all persons whatsoever, ought to share in the suffrage.

How comes it to pass, moreover, that the very able and energetic advocates for the principle that numbers alone ought to be considered in the formation of the national representative assembly, insist on the right of householders only to the suffrage? Has it been discovered by any process of divination that renting a house of a certain amount confers intellectual or moral qualifications, so as at once to adapt a person for the right exercise of the suffrage? If not, why do they consent mercilessly and unjustly to exclude from all share in the representation that much larger portion of the free people of this great country, who, though quite as intelligent, industrious, honest, and independent as the other, only rent lodgings, or board in families?

Indeed, before the passing of the Reform Act,— several of the provisions contained in which, though in very different ways, were directly at variance with the practice and the spirit of the Constitution, — many persons were allowed to vote independent

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of either property or taxation. In fact, the restriction of the suffrage to those alone who are thus qualified was a new principle altogether,—strictly, indeed, in accordance with the money-loving spirit of the age. Thus, freemen, and those who were distinguished by the uneuphonious title of "pot-wallopers," and as "scot-and-lot" voters, were all engulphed together in the merciless abyss of this tremendous measure.

The only true and sound fundamental principle, as regards popular representation in a free state, I believe and maintain to be this: that every member of that state who is of full age and competent understanding, and who has not been convicted of any crime, ought to have a voice in the making of all laws,—except those only which are a mere re-enactment of the law of nature,—whether relating to taxation, crimes and punishments, property, fiscal regulations, or any other subject by which his interests may be affected, or he himself may be bound. In other words, that every man of the age of twenty-one, who can read and write, and who is not proved to be a rogue, ought to have a vote for a representative in Parliament.

I do not say that all representatives in Parliament should be elected only in this manner. Such is the numerical or democratic theory to which I am directly opposed. But I contend that a large

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proportion of the representatives of the nation ought to be so returned. And that, in addition to those thus chosen, a certain number should be also sent as the representatives of the other great interests in the state, of which that which comprises the popular element, and is hereafter classed as No. VI., is one only, though doubtless a very important one.

It is, moreover, a principle of our Constitution, which is acknowledged by the most eminent writers upon it of all parties, that every man who is supposed to be a free agent ought to be in some measure his own ruler, and ought to have a share in the making of all laws by which he is bound. Indeed, the principal reason for requiring an elector to be possessed of a property qualification was that thereby such people should be excluded from the franchise as were in so mean a situation that they were esteemed to have no will of their own; and it was supposed (experience has proved, neither uncharitably nor unjustly) that if these persons had votes, they might be tempted to dispose of them under some undue influence or other, which might conduce as much to the danger or abridgment of the liberty of the people as the exclusion altogether of a large portion of them from the elective franchise. These individuals are therefore deprived of their votes

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by our Constitution, not from any jealousy of the people partaking too largely in the representation, but in order to prevent the legitimate influence of the people being unduly swayed by those who are possessed of wealth and power. Even Sir William Blackstone declares that "if it were probable that every man would give his vote freely, and without influence, of any kind, then upon the true theory and genuine principles of liberty, every member of the community, however poor, should have a vote in electing those delegates to whose charge is committed the disposal of his property, his liberty, and his life." *

Holding, therefore, at the same time, as fundamental and as well established, though not at all inconsistent constitutional principles, that, on the one hand, every subject of this realm, who has a will of his own and who is competent to the discharge of such a duty, has an undoubted and inalienable right to a direct share in the representation; and, on the other hand, that the great interests of the nation, and not the mere weight of numbers, is that which ought to have the predominating influence in its representative assembly: — we now arrive at the grand inquiry propounded as the subject of this dissertation, and proceed at once to

* Commentaries, vol. i.

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the examination into what is the True Theory of Representation in a State. In pursuing this subject it should be shown alike what is the guiding principle here to be followed, and in what manner such an assembly should be constituted.

Four distinct axioms must here be laid down, the truth of which I shall endeavour to demonstrate as we proceed:—1. That all the essential and real interests of the State ought to be represented in its legislative assembly. 2. That they ought all to be directly represented there. 3. That each ought to be represented in due proportion to its relative importance. 4. That they ought so to be represented that, as much as possible, they may all harmonise together.

As man is composed of body and mind, the interests of both of which are united and inseparable, and ought never to be neglected, but each should be regarded in due proportion; so the care of a State must be directed alike to the wealth and the material well-being, and also to the intellectual, and moral, and social condition of the community. The full development of its energies and powers, and the due and proper proportion of influence to be allowed to each, deserve surely as much consideration, and are of equal importance in the State as in the man. It is well remarked by Aristotle, that, to give stability to any government,

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it is necessary that all orders of the State should feel their interest in its safety.*

Representation is of two kinds—direct, and indirect. Direct representation is that which is expressly and intentionally provided for by the Constitution, and is an acknowledged part of the system established. Indirect is that which, though not expressly or intentionally provided for, arises through the operation of the same system.

We will now inquire into the nature and relative importance of the different great interests of the State, in their order; and in what manner they are at present, and how they each ought to be represented.

As regards the latter part of this inquiry, it ought, however, to be premised that representation includes not only sending delegates to speak and act in the great assembly of the nation, but the right of that assembly also to carry on or to direct the government of the country; to make laws, and to provide for the various exigencies of the State. The press is representative of the people as regards the first part of this privilege, the expression of their opinion; but it is deficient in the latter part, as regards the power of legislation. Therefore, though highly influential, it is not strictly repre-

* Politics, b. ii.

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sentative. Nevertheless, the vast moral and intellectual influence possessed by the press almost compensates for its want of legislative power. In every State there are two powers, corresponding with the power of volition and cogitation, and the power of action, in an individual. These are the representative assembly, which deliberates upon and decides concerning the exigencies of the State; aud the executive authority, which carries into effect the laws that have been enacted. The representative legislative assembly is to the nation what the mind is to the man; and the discussions of the former correspond with the reasonings of the latter, each leading to certain determinations, and resulting in action.

In each State, moreover, the electoral body should constitute or comprise the essence or choicest part of the whole nation; the representative the essence of the electoral, and the ministerial the essence of the representative. This is a grand principle to be kept in view, both in the framing and the operation of the representative system in any country; and in proportion as it is regarded and carried out, will that system be more or less efficient and perfect.

And as the representative body in a State may be said to be an epitome or abridgment of the whole civil body or community, and ought fairly to

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reflect or shadow forth the form or outline of it; so a State, and consequently a representative assembly, as an essential part of a State, must be considered to be made up of interests as much as of individuals. The interests of a State consist of those different matters of importance immediately and inseparably connected with it, which essentially contribute to its welfare. Every political body is, moreover, as extensively and as essentially influenced by different interests, as it is constituted of different individuals. And in both cases the various claims of each require to be fairly adjusted, in order to enable the representative body duly and adequately to reflect the mind and feeling of the nation. And whoever may be the individuals that compose a national representative assembly, unless the different leading interests of the nation are fairly represented there, and each obtain their due and proportionate share of influence, no such assembly can be deemed efficient and perfect.

If, however, it be urged that a State can only be made up of people, though these are of different parties, and not of interests; yet it should be borne in mind that these different people themselves are ever essentially distinguished and classed not by themselves individually, but by the interests which they each represent.

The definition and adjustment of these different

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coexistent, and often contending interests, may appear to be a task of considerable difficulty, and may admit of very wide discussion. On the whole, however, I believe that they may all be comprised under the following six, being those of: I. Virtue. II. Intelligence. III. Order. IV. Property. V. The Professional Interest. VI. The Popular Interest.

I. The first and leading interest in a State is that which is most aptly denominated by the general term of Virtue, including here both religion and morality, and comprising completely and comprehensively that principle of rectitude which ensures in the possessor of it an absolute and unerring resolution to discharge his duty to the full extent, both to his Creator and his fellow creatures; and which induces each person ever to adopt that which is essentially right in itself as his first and highest aim. The predominance of such a principle is essential to the right conduct both of an individual and of a State. Nor ought ethics and politics ever to be considered apart. The statesman should aim, not at what is expedient, but at what is just; and the same principle should pervade the whole body of the legislature. Aristotle well observes in his "Politics," * that, in the contest for civil pre-eminence, education and virtue seem fairly entitled to the first honours; because, of

* Book iii.

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all things, education and virtue most contribute to the perfection of civil society. Accordingly, in the representative body of a State, it must necessarily be all-important that the interest of virtue obtain its due share of influence over its deliberations and proceedings.

If it be contended that such an interest as this ought not to form an independent one in the representative body, inasmuch as every single representative should be individually and mainly influenced by this principle; I would reply that, while I admit the latter proposition to the full, yet it is because this interest is so essential that — at any rate until it can be proved to be really and practically predominant in a representative assembly — it is all important that the interest of virtue have a distinct and independent representation of its own. Many of the individuals who constitute a representative assembly may be men of property and of commercial eminence. But this is surely no reason why property and commerce should not obtain a due and independent representation in such a body.

The important interest here alluded to is indirectly represented in the House of Commons, and also in the House of Lords — which, though not considered as the representative assembly of the nation, is, and acts as such, in many respects — by

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the religious belief and moral character of the members of these bodies. The influence of this interest, as regards the religious belief and opinions of the representatives, is also secured by the oath imposed upon members of Parliament.

This interest is directly represented by the presence of the bishops in the House of Lords, the object of which was admirably stated by Lord Eldon to be "not to make the Church political, but the State religious." Consistently, however, with the principle which is now gaining the ascendancy, that the influence of the higher interests of the State ought to be diminished, while that of the lower interests should be rendered paramount, it has been determined that the number of spiritual peers ought not to be increased, although that of temporal peers has been greatly added to. Indeed, at the time of the dissolution of the monasteries by Henry VIII., the spiritual lords consisted of twenty-six mitred abbots and two priors, besides the archbishops and bishops, and together outnumbered the temporal nobility. This novel decision is the more indefensible since the abolition of Convocation, where the interests of religion and morality had a direct representation. In the House of Commons the higher interest alluded to has been further diminished by the exclusion of the clergy from that assembly.

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This interest is, moreover, not only to be considered in itself, but also as opposed to those antagonistic principles of irreligion, and vice, and immorality, which, both in the State and in the man, are ever working against it, and which ought to be discouraged and subdued.

II. The next great interest in the State deserving of a leading influence in the representative assembly is that of Intelligence, by which I mean the predominant sway of those minds of superior ability and high cultivation, and of extensive and ample knowledge, who are the most capable of dealing with different subjects in the manner they deserve, and which will ensure every question of importance being so dealt with, and decided on accordingly. This interest must be as important in a representative assembly as it is in an individual, and consequently ought to secure its due share of influence there.

The distinct and independent separate representation of the interest of intelligence, must therefore be contended for and defended on the same grounds as the representation of that of virtue, and the two should indeed be ever united and supported together.

By the intelligence, education, and acquirements of the members of both Houses of Parliament, this interest is indirectly represented, so far as regards

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general intelligence and information. Art and science, which are a branch of this interest, are, however, wholly without any direct representation.

The interest of letters is directly represented in the House of Commons only by the influence of those of the constituency who are devoted to these pursuits, but who in every popular electoral district must form a very inconsiderable minority, so that this influence will be entirely overwhelmed. It may therefore be said to be directly represented there solely by the members of the three universities, which are the only learned bodies permitted to send representatives. The number of these has, however, been considerably decreased. So long ago as the reign of Edward I., writs were issued requiring the University of Oxford to send up four or five, and that of Cambridge two or three of their most discreet and learned lawyers for that purpose.* But although the county and borough members have since that period been so largely increased, yet, in accordance with the principle already alluded to as predominating in the changes lately made in our representative system, the universities now send each only two representatives.

* 4 Inst. 16.

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This interest, like the former one, is also to be considered not only as regards itself, but in relation to those antagonistic principles of ignorance and folly which, whether in the State or in the man, will ever be opposed to and operate against it.

In an assembly which is not only representative, but deliberative also, as is peculiarly the case with our Houses of Parliament, it is of paramount importance that both virtue and intelligence should there predominate, whether we consider merely the efficiency of such an assembly, or the general well-being of the nation which it represents. Singularly enough, however, no intellectual test or qualification whatever, even of the lowest kind, has ever been required by law either of the voter or member of Parliament; nor has its desirableness been contended for by any of the enlightened advocates for reform.

III. The interest of Order is the next of those belonging to the State, which ought to have influence in its representative assembly. In this interest are comprised those of law and justice generally, so as to secure to the community at large through all its ranks, and with regard to all matters of which civil cognisance can be taken, a due and proper regulation of its affairs, according to the strict rules of right and equity. This interest, on the support of which, indeed, rests the

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whole foundation of civil society, requires to be maintained, and constitutes, necessarily, a very important one in every community, and ought consequently to obtain a due share of influence in the representative assembly of the State. Indirectly this interest is represented through the loyalty and love of order which animates the members of both Houses of Parliament; and by those among them whose professional studies as lawyers have led them to obtain a full acquaintance with the principles of the Constitution. It is also directly represented wherever the feeling here alluded to animates the majority of any particular constituency, and has influenced their choice of a representative.

This interest is, however, mainly to be considered as it is opposed to that of disloyalty, and disorder, and anarchy, which in every State will animate the minds of a large class; the numerical majority in most nations being composed of those who, from poverty, or other causes, are discontented with their condition, and who are consequently not averse to revolutionary changes. The oath of allegiance, administered to a member on his taking his seat, provides for the security of this interest as regards the principles of the representative body.

IV. The interest of Property, comprising that of

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wealth of every variety, is that which promotes and maintains the security to each person of his own possessions, and the due regulation of the free and just disposal of such property, and its transmission from one person to another. The support of this interest is essential to the actual constitution of every community which is sufficiently civilised for the members of it to have any possessions of their own; and it is consequently necessary that it should also have its proper share of influence, and an independent representation in the legislative assembly of the nation.

This interest is directly represented, and its security is provided for by the amount of property which is required by law to be possessed by the different members of both Houses, and by that owned by the electors in respect of which they are entitled to vote. Indirectly, this interest is also represented by the property possessed by those who have votes for representatives, though they may not acquire them in respect of such property. But not only ought wealth generally, of whatever kind, to be duly represented in the legislative assembly of the nation, but property in land ought also, from its peculiar nature and paramount importance, to have a distinct share in the representation. Formerly, indeed, the landed interest, which, according to the opinion of all great consti-

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tutional writers, is the really important stake in the country, was protected in Parliament against the influence of the trading and monetary interest, by requiring that the representatives chosen by the boroughs, or the trading interest constituencies, should be men possessed of a certain amount of landed estate, who had thus had a stake in the land. By the Act of Parliament which rendered personal property a qualification, as well as real, this protection of the landed interest has been withdrawn. The counties which represent the landed interest, at an early period of our parliamentary history returned each four members to the House of Commons. This was at a time, too, when the majority of the towns which now send representatives were not enfranchised.

To the interest of wealth and property, poverty and want are the antagonistic influences.

V. The Professional Interest—comprising that of the different professions and trades, and the interests of industry generally, of every variety, including therein labour and production of each kind, manufacture and exchange, import and export, traffic and commerce, and their due protection and regulation—may be considered as forming a distinct and independent one of itself, and appears next to demand representation in the national assembly. In every State where pro-

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fessions and trades are carried on, the interest of these bodies, and the maintenance of their rights and privileges, must constitute a very important one in the community. Consequently, such an interest ought to obtain its due share of influence in the representative body of the nation.

It may be observed that the professional interest is distinct from that of property, inasmuch as while the professional interest is that which mainly relates to the regulation of the production of property, the interest of property, on the other hand, relates mainly to its preservation when so produced, or otherwise obtained.

These several professions and trades, so varying in their nature, differ much as to their present proportionate share in the representation. Thus the legal profession is indirectly represented by the numerous members of it who are to be found in both Houses. The medical profession, though a most important one, has, in comparison with the former, a very small share of representation in either House. The various trades are also represented indirectly by such of the members as are engaged in this pursuit, and directly so by the members for the great commercial towns. They are also indirectly represented by the votes of those of the constituency who are engaged in this pursuit, but who possess the suffrage not from their

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occupation, but on account of something quite independent of it, which confers a qualification. The share of direct representation, either of the professional or commercial bodies, is, therefore, notwithstanding their immense importance to the State, very small indeed. Nevertheless, they obtain, on the whole, a very large amount of influence in the legislature. Nor can there be said to be any interest in the State which is directly opposed to them. And no test is imposed for the security of this interest.

VI. The interest of the personal rights and privileges of the people, or what may by some be considered as the Popular Interest in a State, is as distinct and independent as any of the others already considered, and consists in securing to the people at large, of whatever rank, their freedom and natural rights of different kinds, as members of a civil community. Although this interest ought not to be allowed to overwhelm every other, much less alone to be considered as the interest which should be attended to in the national representative assembly; yet, on the other hand, it is no less entitled to its fair and proportionate share of influence, though to that only. This interest, therefore, may ordinarily be considered as that of the people generally, more especially of the poor, who, being included in none

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of the classes already enumerated, form, nevertheless, a most essential branch of the community, and whose privileges require to be protected, not only on their own account, and for the sake of justice, but to ensure the well-being of the nation at large. The people are to a State what the body and the vital functions are to a man, the care of which though not his sole or chief concern, it is absolutely essential should obtain a due share of attention, for the sake both of themselves and of ensuring the proper operation of the intellectual portion of his being, which is largely dependent on the condition of the former. This interest is only directly represented by those members who are returned for constituencies where the majority of the voters are of the class here alluded to.

The last-named interest, as already observed, is antagonistic to that of wealth; but although opposed, it is not necessarily inimical to it, if both are allowed, as they ought to be, their fair share of influence in the representation. The interest, indeed, which is not only antagonistic, but directly inimical to the popular interest, is that of the licentious body in each community, by which I mean such of the populace who, from disaffection or ignorance, and from being subject to undue and corrupt influences, prevent the possibility of the mass of the people exercising their political privi-

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leges without injury, not merely to the other interests in the State, but more especially to themselves.

It cannot be denied that not only do the poor stand as much in need of being fairly and fully represented in the House of Commons as do any other interests in the State already enumerated, but they have as great a constitutional right to it as any of them. They are not only bound equally with the rich by all the laws that are made, and have to share in the payment, either directly or indirectly, of all the taxes; but it is especially requisite that they should have representatives in Parliament who understand, and who will devote themselves to their interests. This is, indeed, also more or less the case with the other interests already enumerated, all of which require not only to be represented, but that each should be directly represented, and each in proportion to its relative importance. In order, however, to ensure this, it is essential that such a representation of them, and such only, should be framed, as that their real and true interests should be represented; and not that the influences of anarchy or corruption be permitted to gain the ascendancy under the mask of friendship towards this interest, but which are in reality its greatest bane.

While, therefore, I contend that the interest of numbers ought not to be the only influence, or the

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predominating influence in the representation, I am far from contending that it ought not to have an influence, or that that influence should not be extensive. I am not for depriving the mob of all power, though I am resolute for dethroning him. I trust that he may be allowed to exercise his fair sway, but I never will consent to exalt him into a despot.

There are, indeed, certain other interests in the State, which, though they require protection to the fullest extent, as they are essential to its well-being, yet may be said to be independent of representation, being either so firmly established in their influence, or so united with other interests, as not to need this. Thus the interest of the sovereign is of this class; inasmuch as, besides forming a distinct branch of the State, his influence over the legislature is so great as to require no representatives there. So also, with regard to the judicial, and naval, and military interests of the nation, which are so bound up with the interest of the sovereign, the general interest of the State, and the private interests of all the members of the Legislature, as to need no representatives of their own to guard them.

Certain of these authorities do, indeed, on particular occasions, require to have representatives in Parliament, but whose presence there is essential

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not so much to protect their interests as to afford information upon any matter connected with the discharge of their duties, with which it is desirable for Parliament to be acquainted. This, however, is of course rather for the advantage of Parliament than for that of the parties so far represented there. And information of this kind it is always the province of the officers of government in those departments to afford, as it is their duty also to protect these interests when assailed.

The representation of the minority as well as of the majority in each constituency, has been urged by some very enlightened and philosophical reformers, as a desirable mode of giving due weight to the opinions of those who, although they are not able to secure the election of a member, are nevertheless, both from their numbers and their intelligence, fairly entitled to have a representative. But I submit that if, in accordance with the principles here advocated, each interest in the State is duly and fairly represented, there will be no longer any occasion to provide for the representation of the minority in a constituency, inasmuch as the legitimate influence of the opinions and interests entertained by such minority will, where these are of real value and deserving of representation, have been already provided for in the State.

It is of essential importance that the different

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great interests of the State, which we have already been considering, should not only be all represented, but that, as much as possible, they should all harmonise, and act cordially together. However opposed to each other as regards their own individual welfare any of them may be, they are, nevertheless, all united as regards their common interest in the public good. An injury to any one, or to any part, is, in reality, an injury to the whole, as much in the case of the State as in that of the man; and the interests of virtue and of intelligence are, in truth, not more united than are those of wealth and commerce, or even those of wealth and of the poor, neither of which will attain a high degree of prosperity independent of the other. However these varied interests may emulate, they should never be permitted to injure one another.

It follows, therefore, that any State will be perfect according as its various interests are fairly and efficiently represented, as they are represented in due proportion, and as they harmonise well together. It is useful to possess as complete a model as we can, although we may never be able to copy it exactly. We do well to be proceeding on the road towards perfection, although we may never arrive there. So also is it desirable to lay down correct principles, and to act upon them, even

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though we are persuaded of never being able to carry them out to their full extent. A perfect State may be as ideal as a perfect man; but this is, surely, no reason why perfection is not to be sought after by both.

That government is equally as bad in which wealth and commerce are overlooked and intelligence only is regarded, as that in which intelligence is disregarded and wealth and commerce only are considered. The rich and the poor ought, moreover, not to be viewed as opposing interests, but as essential parts of one and the same State. The object of the true statesman will be not merely to promote the present influence of his party, but the permanent interest of his country; and his care should be devoted to the welfare not of this or that branch of trade or wealth, but to the well-being of every department. His aim should, moreover, be not to raise rivalries between, but to conciliate and concentrate these various interests. Aristotle pronounces that to be the most perfect State in which popular and aristocratic powers are harmoniously blended into one equitable system of polity, benefiting all, and doing injury to none.

The constitutions of States are, however, like the bodies of individuals, not only liable to many defects and diseases, but subject to constant decay. Many errors in legislation might be pointed out

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that have arisen mainly from the defective representation in the Legislature of the different interests above enumerated, which have deeply affected each of those interests; and perhaps none of them have suffered more than the one comprehended in Class VI. This latter class has also suffered severely from the defective representation of Classes I. and II. Had virtue and intelligence possessed a greater share of influence in the State, the poor would not have been neglected, either as regards their intellectual, moral, or physical wants, in the way that they have been.

An attempt was, indeed, made by the Reform Act to improve, if not to render perfect, the representation in this country. But the principle on which the framers of it proceeded was that the interest comprehended mainly in Class VI., or the interest of numbers, was that which ought chiefly to predominate in the representative body; while those comprehended in Classes I., II., and III., were not recognised at all, and those in Classes IV. and V. were allowed only a very subordinate influence. The supporters of the Reform Act contended, or appeared to be impressed with the notion, that the representative system had at some definite period existed in a perfect form, from which it had degenerated, and to which that measure would at once restore it. That, according to the principle

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of the Constitution, those constituencies only which were the most numerous ought to send representatives to Parliament, while those which represented the great interests of the nation ought to be disfranchised, the interest of numbers only being taken into consideration in the establishment of this system; although, by an unaccountable inconsistency, they refused to grant universal suffrage.

That the British Constitution ever did at any period exist in this supposed perfect form, is as absurd as a belief in the real existence of such a country and constitution as that of Utopia. And that towns were ever enfranchised on account of their population alone, is as contrary to fact as to suppose that individuals were entitled to vote on account of their personal size — a mode of enfranchisement which would tend greatly to the advantage of the agricultural interest! It appears, however, that certain towns were, at an early period of our history, selected to send representatives, as in the case of some of the Cornish boroughs and the Cinque Ports, on account of particular interests which were deemed to require representation in Parliament; the House of Commons being considered then, as it still ought to be, the medium of representation, not of numbers only, but of the various great interests of the State. Our very accurate and impartial constitutional historian Hallam

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says, that "many ancient boroughs have at no period possessed sufficient importance to deserve the elective franchise on the score of their riches, or their population; and it is most likely that some temporary interest or partiality, which cannot now be traced, first caused a writ to be addressed to them." * The same authority tells us, that in the reign of Edward II. twenty-two boroughs were created, several of them insignificant places. In another part of the same work † we are informed that "several of the boroughs that are currently said to be decayed, were never much better than at present." Some appear to have had representatives given them in the charitable hope that they would one day or other grow into places of importance. In the reigns of Henry VIII., Edward VI., and of Mary and Elizabeth, the enfranchisement of small boroughs, we are told, proceeded, while that of large towns was neglected.

The conclusion at which the great historian Hume arrives is, indeed, one not very complimentary to the boroughs, or even to the House of Commons itself. It is that the existence of this branch of the legislature was first recognised, and at all events the boroughs were first summoned to send representatives during the usurpation of Lei-

* Constit. Hist. Eng., vol. i. p. 61.

† Vol. iii. p. 52.

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cester, in the reign of Henry III.* At any rate, many of the boroughs were, at an early period, empowered to elect members, either on account of their wealth, their trade, or their possession of some particular interest which required to be represented. But before the second quarter of the nineteenth century, and the glorious era of the Reform Act, did any one ever read of the enfranchisement of a mob? Does history record an instance of giving the privilege of sending representatives to numbers only, without the consideration of their embodying any other interest?

The earliest Parliaments of which history furnishes any distinct record, appear, moreover, very different to mere deputations from mobs. King John, in the seventeenth year of his reign, in the Great Charter which he granted, promised to summon all archbishops, bishops, abbots, earls, and greater barons, personally, and all other tenants in chief under the crown, by the sheriff and bailiffs, to meet at a certain place, within forty days' notice, to assess aids and scutages when necessary.

Many institutions which have become obsolete, as regards their original intention, are nevertheless of great practical value, having by degrees adapted

* Hist. of Eng., Reign of Hen. III.

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themselves to the exigencies of the times, and to the requirements of a later age. This was especially the case with the unreformed House of Commons, which, though doubtless very imperfect, if considered as the representative of one interest only in the State, that of mere numbers, or of the democratic influence, was far superior to the present House as the representative of the real interests, the virtue, intelligence, and wealth of the nation. Our aim should now, therefore be, in framing a representative system, not to revive the old one with its abuses, but as far as possible to devise a scheme which may supply the important advantages which by its abolition we have lost, and also secure to us such other requisites in our system as that failed to produce.

As regards the representation of the higher interests of the State already defined and classified, how many men of learning, information, and intelligence, who were returned to Parliament for "rotten boroughs," have been entirely excluded by the Reform Act? Mr. Burke, Mr. Pitt, Mr. Canning, Mr. Brougham, Mr. Sadler, Sir Charles Wetherell, Sir James Mackintosh, Mr. Croker, and Mr. Macaulay, were all introduced to Parliament through, and sat during the greater portion of their career for rotten boroughs. Have Finsbury and the Tower Hamlets, or Manchester and Bir-

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mingham, sent men who represent the interests of the State comprehended in Classes I., II., III., IV., and V., as the rotten boroughs did? How are our great colonial interests, which are comprehended in Classes IV. and V.—and the well being of which is inseparably connected with the welfare of every other interest in the State — now represented and protected? Having neither representation nor protection, they are left to the tender mercies of the Colonial Secretary, and the consequences of their desertion are too obvious to need comment. Nor can any blame be attached to the mobs of the metropolis, and of Manchester, and Birmingham, for returning members, doubtless very judiciously chosen to represent their interests, instead of those of the nation. But it is, surely, most unjust and most impolitic to consider theirs as the only interest in the State, or to deny to its leading interests all share in the representation.

Nevertheless, so far as the Reform Act proceeded merely on the principle of adjusting properly the mode of popular representation in those places where popular representation had already been established, but had not been generally or fairly allowed to all classes, its theory was undoubtedly correct and constitutional. It was, however, most erroneous and deficient in principle, if regarded, as many, though

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perhaps not all, of its supporters deemed it, as serving to establish the theory that popular representation ought to be the only kind of representation in a State.

Having considered the defects in the new system of representation as regards the important advantages of which it has deprived us, we will next consider its evil consequences of a positive kind. The fairest illustration of the practical operation of the system established by the Reform Act, and which was exactly predicted by its leading opponents, is the impossibility of carrying on the government, except by espousing those measures, and those only, which are the most popular with the mass of the electoral body, instead of adopting those which are most needed by the exigencies of the State. The best apology for the Government is that the fault is not theirs, but that of the system under which we are living.

It is the same, therefore, now with regard to the measures of statesmen and of governments, as is ever more or less the case with the proceedings and projects of private persons, that certain particular plans are adopted, not because they are considered to possess the most intrinsic value, but because they are deemed the most sure of being carried into execution. A man determines on an undertaking, not because he thinks it the best

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in itself, or prefers it to all others, but because he believes it is the one which he is most sure of accomplishing. So is it of the grand political measures which our patriotic ministries, of whatever party, are in the habit of propounding. In proportion, therefore, as any particular Government is vigorous, and influential, and is conscious of possessing the confidence of the country, may we expect that its measures will be really adapted to the exigencies of the State.

The extension of the suffrage is, with a certain class of politicians, the one grand specific for all political diseases. As some quack pills are supposed to be alike and equally efficacious, (as is probably really the case,) whether apoplexy, or consumption, or gout, or the measles, or bruises, or the small-pox, be the calamity complained of; so the great political nostrum, the extension of the suffrage, is to cure all the complaints of the State, restore the agricultural interest, make trade prosperous, promote harmony in the colonies, and relieve the nation of its burdens.

Certain of the democratic reformers of the present day contend that the members of the aristocracy, who are represented by a separate legislative body, exercise too extensive an influence in the return of members to the House of Commons. It should, however, be recollected that it is the

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influence of their property, not of their legislative power, which is so exercised, and which is altogether as legitimate an influence as is that of numbers, to which it is opposed.

But we have next to inquire, if the theory that numbers alone ought to prevail in the representation be not the correct one, how is the theory here contended to be the only true one, that interests and not numbers should predominate, to be carried out ?

It must here be premised, and this appears to have been totally overlooked, that although the predominance of the numerical influence must inevitably destroy the various great interests in the State ; yet the predominance of such interests, if fairly represented, cannot fail to conduce to the welfare of the people at large, who are all concerned and participate in benefits conferred on the nation. And if benefits are obtained, it little matters whether they are gained through the votes representing interests, or those representing numbers.

If the various great interests already enumerated are of the importance here supposed, their influence ought surely to predominate in the representation of the State. But how ought this to be effected? As regards the interest comprehended in Class I., or the religious and moral interests of

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the State, there is little doubt that before many years Convocation will be restored in some shape or other to its full efficiency, which body alone is completely adapted to represent and to deal with this interest, and for which the House of Commons must now be acknowledged to be unfit. But even if Convocation be restored, this would in no way dispense with the influence of religion and virtue in the House of Commons, which is the real representative assembly of the nation.

Unless Convocation is allowed to exercise its entire functions, the clergy ought not to be excluded from the House of Commons, as they are the immediate representatives of the religious influence of the State. Whether the interests of the Church would not be better secured by a separate legislative assembly devoted to their discussion, and composed exclusively of its members, than by entrusting the House of Commons, in which those of all sects and parties of religionists are congregated, with those interests; and whether in Convocation lay as well as clerical members might not advantageously be admitted, are questions altogether beyond the present subject of inquiry.

Not only, however, would I allow to the clergy of the Established Church the just privilege of being represented in Convocation, and of having all legislative matters of an ecclesiastical nature

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exclusively determined there; but I would also grant to the different dissenting bodies the privilege of having a representative assembly, by which the settlement of all questions affecting their religious opinions or privileges might be controlled and determined; or at any rate—which would perhaps be more satisfactory still — without whose sanction no law affecting them in this respect should be passed by the Legislature.

But although Convocation, with all its functions, should be fully restored, yet it does not even then follow, as a necessary consequence, that the bishops should be banished from the House of Lords, or that all denominations of believers and of unbelievers should be freely admitted into the House of Commons. Supposing, however, that Convocation would be the fittest, nay, the only fit, body to legislate upon matters purely ecclesiastical or theological, or which affected the rights and interests of the Church; admitting this to the fullest extent, — or that it might be as fit as the House of Commons is obviously unfit, — yet there must still remain a variety of questions of a moral nature, and which are indirectly if not directly of a religious kind, with which the House of Commons will always have to deal. Indeed, it is very difficult to specify any single question or subject of legislation upon which morality and religion

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have not either a direct or an indirect bearing. Hence, whether Convocation be established or not, the interests of religion and morality should ever predominate in the State, and be the leading and most influential in both Houses of Parliament.

The interests comprehended in Classes II. and III., or those of intelligence and learning, and of loyalty and order, might fairly be represented by allowing the different chartered, learned, and scientific bodies hereafter enumerated, to send representatives, as three of the universities already do. I would accordingly give members to these various public bodies, for whom those belonging to them should vote, either in their professional capacity or as individually constituting them.

The interest comprehended in Class IV., or that of wealth, is, as before observed, already represented in Parliament. The only danger is that its proper influence may be borne down by that of numbers. An efficient and direct representation of Class V., the professional and trading interest, ought also to be provided, which could be done by allowing the various institutions and incorporated bodies and companies connected with it to send representatives. This, indeed, appears to have been the object of the enfranchisement of many small boroughs in former times. The interest comprised in Class VI., or that of numbers alone,

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should also have a fair representation given to it, the plan for which shall be considered presently.

But it may be said that the interests of Classes II., IV., and V. are already represented in Parliament, and that this is effected even through the medium of popular constituencies. Thus, distinguished authors, East India directors, and directors of railways, as also leading professional men, are frequently returned for large towns. In this case, however, they are elected, not to serve the particular interest for which they are peculiarly qualified, but to serve one which is opposed to it; and their election is owing to some influence which enables them to counteract that of which they are immediately representative. It would surely, however, be far more equitable and beneficial for these various interests that each should be legitimately and fairly represented, without encroaching upon the other.

Moreover, as representation in a State has several distinct and independent objects in view, so it follows, as a necessary consequence, that different principles, applicable to each, ought to regulate the different modes in which it is constituted. A man of wealth, who has also a great knowledge of commerce, may be a very efficient representative of the landed or trading interest of the nation, but at the same time very unfit to legislate upon

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its criminal code. A magistrate or lawyer of great learning may be well adapted for the latter, but quite unfitted for the former. And yet only one principle as regards representation is applicable to each case. Wealth is equally the qualification for the criminal as for the commercial legislator, and the same class of constituencies return both.

Independently, however, of the enfranchisement of certain learned, professional, and commercial corporations, who should be allowed to send representatives devoted to the interests of those particular bodies; each person engaged either in any learned, professional, or commercial employment, ought to be allowed to possess a vote in respect of such an occupation, which would surely be as fit a test of his capacity properly to exercise the elective franchise, as his tenure of a house at a rent of 10*l*. The 10*l*. household qualification is an absurd one, inasmuch as it secures no real ability in the voter to exercise the franchise. So is it also of the 40*s*. freeholder, whose amount of property to confer a vote was fixed at a period when the value of land was entirely different to what it now is. Indeed, Bishop Fleetwood, in his "Chronicon Pretiosum," has proved that 40*s*. in the reign of Henry VI. was equal to 12*l*. per annum in the reign of Queen Anne, which is probably equal to 24*l*. in our day. Hence, the qualification of

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an elector for a county was what would, at the time it was fixed, furnish a poor man with all the necessaries of life, and render him to a large extent independent.

The property qualification of voters for counties and towns should of course be varied so that the former may represent the landed interest and the latter the personal property in the country. And as it is proposed to confer votes independent of the possession of property, it would be desirable to place the property qualification higher than it now is, so as to render the members returned by those who vote in this respect due representatives of this interest. Thus the property qualification of a voter for a county should be an interest in land, whether freehold, copyhold, or leasehold, to the extent of 100*l.* above all charges. The qualification for a property vote for a city or town should be the possession of money, stock-in-trade, or other personal property, to the extent of 100*l.* above all charges.

In order to effect the above plan, it appears requisite to abolish the present system of double voting, which is liable to many abuses, the second vote being too often given to please a friend or a customer, while the first satisfied the conscience of the elector. Indeed, the inconsistency and impropriety of the present system of double voting is

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proved by the numerous cases, especially in the smaller boroughs, of two members being returned by the same constituency of entirely opposite principles to each other. This must necessarily be an absurdity, if the votes were intended to be given according to the opinions of the voter. If they are not intended to be so given, they ought not to be given at all.

Another important advantage, which would be secured by the abolition of double voting, is that the minority in each constituency returning two members would then be represented by the second member; and which, as already observed, has been strenuously contended for by some enlightened reformers of the representative system. Where the constituents vote in different ways, this may to some extent be already obtained. But in this case we have to depend, not on their deliberate choice, but on the chance of their indifference to exercise their votes independently, for securing such a result.

In every town and county constituency, therefore, I would propose a threefold division of the franchise, consisting of—1. All those engaged as the principals in any learned profession or commercial pursuit, who should have one vote for the county or town within which they reside, in respect of such occupation. 2. All who possess the property qualification described, who should have one other

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vote in respect of that. To these I would add another class of voters, by whom the interests of Class VI., or the influence of numbers, would obtain their fair share of representation, and who should consist of—3. All those men of the age of twenty-one who can read and write, who are gaining an independent livelihood by some occupation, (other than as principals who are included in Class V.,) whether as workmen or labourers, and who, though not comprehended in any of the other classes, are of sufficient intelligence and independence to be entrusted with the free exercise of such a privilege; all which persons (although they may not be rated as householders or otherwise) should each be entitled to one vote. All others, in accordance with the opinion expressed by the greatest constitutional writers, must of necessity be excluded, not because they have no natural right to a share in the government of the country, but because they cannot be trusted to exercise it aright. Their interest, therefore, is not connected with, but is the really antagonistic interest to that of the people, whose legitimate and fair influence, if all were admitted to the franchise, must be entirely overwhelmed.

As we do not allow children and persons of weak minds, however large the amount of property they may have at stake, to exercise the franchise, on

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account of their understanding and knowledge not being sufficient to capacitate them for so important an undertaking; so, for the same reason, we ought not to permit persons notoriously ignorant and destitute of all the rudiments of education, to share in these privileges. Although education and intelligence may not of themselves be allowed to constitute a qualification for the elective franchise, yet, on the other hand, it can hardly be doubted that imbecility and ignorance ought to operate as an absolute disqualification. So also, although we may hesitate to allow virtue of itself to constitute a claim to a share in the elective franchise, yet we cannot doubt that vice ought to operate as a disqualification, especially such vice as in any way relates to the exercise of that privilege. At present, although the qualifications of electors are of so many various kinds, they cannot be said to correspond with, or to represent in any way, the different interests of the State. They consist of the 40*s.* freeholders, the 10*l.* copyholders, the 50*l.* leaseholders, the 10*l.* householders, and what remain of the freemen in certain towns.

In the place of each of these, I propose to reduce all town and country voters to three classes, viz.: I. Personal voters. II. Professional voters. III. Property voters. Personal voters would represent the interests of Class VI.; Professional voters, those

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of Classes I., II., III., and V.; Property voters, those of Class IV. Each class should vote separately for a representative, and at different times, though of course some would be entitled to vote in all three classes, and many in two of them. If it be objected that the same person ought not to have different votes in his various capacities, it may be replied that the same thing happens under the present system, though in a less objectionable manner.

By a disfranchisement of a number of the smaller boroughs which represent no particular interest, a sufficient reduction might be made in the House of Commons to admit of the enfranchisement of the learned, professional, and commercial bodies alluded to, and of the increase of certain of the town and of the county members, if necessary. The members of the House might, perhaps, be advantageously limited to 600, allowing 350 to England, where the greater part of the corporate bodies who would send members exist, 150 to Scotland, and 100 to Ireland.

Thus the various leading chartered and incorporated institutions and public bodies, whether learned, professional, or commercial, might be enfranchised in the following order, the members belonging to each of them being privileged to vote for one representative: —

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	Number of Members for each Society.
University of Oxford	4
University of Cambridge	4
Metropolitan University	2
University of Durham	2
University of Edinburgh	2
University of Glasgow	2
University of Aberdeen	2
University of Dublin	4
The four Inns of Court, in London, two each	8
Professional body of Attorneys and Solicitors in England	6
Society of Advocates in Scotland	4
Professional body of Writers to the Signet in Scotland	3
The four Courts, including the Society of Barristers, in Dublin	4
Professional body of Attorneys and Solicitors in Ireland	3
The College of Physicians in London	4
The College of Surgeons	2
Edinburgh College of Physicians	3
Edinburgh College of Surgeons	1
Dublin College of Physicians	3
Dublin College of Surgeons	1
Royal Military Colleges	3
Royal Naval Colleges	3
Royal Society	4
Society of Arts	3
Edinburgh Royal Society	2
Dublin Royal Society	2
The English Royal Academy	2
The East India Company	4
The various Colonial Companies	4
The Bank of England	3
Carried forward	94

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	Number of Members for each Society.
Brought forward - - -	94
The Bank of Scotland - - - -	2
The Bank of Ireland - - - -	2
English Banking Companies and Proprietors -	3
Scotch ditto - - - - -	2
Irish ditto - - - - -	2
English Railway Companies -	4
Scotch ditto - - - - -	2
Irish ditto - - - - -	2
English Insurance Companies - - -	4
Scotch ditto - - - - -	2
Irish ditto - - - - -	2
London Stock Exchange -	3
Edinburgh ditto - -	2
Dublin ditto - -	2
English Canal Companies - - -	3
Scotch ditto - - - -	2
Irish ditto - - - - -	2
English Harbour, Dock, and Navigation Companies	3
Scotch ditto - - - - -	2
Irish ditto - - - - -	2
British and Irish Mining Companies - -	4
London Chamber of Commerce - - -	1
Liverpool ditto - - - - -	1
Bristol ditto - - - - -	1
Hull ditto - - - - -	1
	150

A vote for a representative of such society or institution should be conferred by membership, proprietorship, or annual subscription, for three years previous to giving such vote. The proportion of

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representatives returned by each interest would probably be in the following order:—By the learned, professional, and commercial corporate bodies, 150; by the property voters, 150; by the professional voters, 150; by the personal voters, 150.

It appears essential to keep separate and distinct each class of voters, in order that every class may be independently represented, and that no one class may overwhelm the interests of the other. For instance, in a county or borough containing 1000 personal voters, 500 professional voters, and 250 property voters, if this was not done, the first would overwhelm and virtually disfranchise the other two.

It seems expedient also to give seats *ex officio* in the House of Commons, but without the privilege of voting, to all those members of the Government whose presence in the House of Commons is deemed desirable, and for the real service of the nation; such as the different Secretaries of State, and the Law-officers of the Crown. By this means, a minister would be enabled to select the best, and ablest, and most useful men that were to be found, instead of, as is now the case, restricting his choice to those whose popularity with the constituencies has secured them a seat in Parliament, and who are the most likely to be re-elected, but who, in other

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respects, may be little qualified for the duties demanded of them. In addition to this, such a measure would afford to the Government the means of introducing into the House of Commons any particular men whose services, either from their talents or their information, seemed peculiarly to be required there. In a national assembly, which is not only representative, but deliberative also, the presence of such persons is most desirable. It is indeed absolutely essential, to render such a body efficient and perfect.

The plan here proposed is, surely, not only more fair for the various great interests of the State, but it is more liberal, and tends more to secure an efficient representation of the mass of the people, than any which has been either devised or demanded. It, however, does more than this,—which is equally important with the other, — it excludes from the representation those, and those alone, who are not only incapable of rightly exercising the suffrage, but who would ruin the interest of that portion of the people who do so exercise it.

But in addition to and independent of each of the different interests in the State being duly represented in its legislative assembly, through the members elected to it by these various constituencies, it is further essential that men of the highest intelligence, and of the most extensive

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information in the country, connected with these several interests, should also form part of such a body. As the first of these requirements is necessary to its constitution as an efficient representative assembly, so the other is no less indispensable in order to render it efficiently deliberative; for both which purposes, and for the one as much as for the other, the House of Commons is intended to serve.

Not only, however, ought the State to obtain the services of the ablest men in the House of Commons, but the services also of those who are best fitted to be its ministers. And it can hardly be a matter of doubt that the affairs of the nation would be far more efficiently administered, and the most valuable talent permanently secured to the service of the country,—besides which (no mean consideration of itself), inefficient administrators, whose only claim to office is some party distinction, wholly independent of, it may be inconsistent with, administrative capability, would be as permanently kept out,—if, as in the case of the judges, the great officers of state, more especially the Principal Secretaries, were to be appointed to their offices entirely independent of party, and solely on account of their peculiar fitness to fill them, and the confidence which their characters had inspired. Each of these officers

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might, of course, be rendered removable, as is the case with the judges, on the address of both Houses of Parliament. In the post of Prime Minister and certain other officers with whom might rest the State patronage, enough would still remain as the prizes of party warfare; though, probably, in an equal ratio as these prizes were diminished, would public patriotism be found to increase. The desirableness of rendering the Chancellorship independent of such paltry contests and chances has long been felt, and is pretty generally acknowledged. The danger and disgrace to this great country of a recent "ministerial crisis" may possibly conduce to incline many to the opinion here advanced.

There is no doubt, moreover, that the country ought to secure the best administrative talent in its Principal Secretaries of State which the nation affords, and that whether oratorical ability, or popular manners with a constituency (which are wholly foreign to, and not often coexistent with the first) be combined with it or not. Indeed, according to the strict constitutional principle, not only are the ministers of the crown not required to be present in Parliament, but by an express enactment they are positively excluded from it. And were such only retained as the public service peculiarly required, it would un-

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questionably be for the permanent benefit of the country, and contribute essentially to the due administration of its affairs, if the rest were to be banished from its councils and presence for ever.

As in the physical frame one disease ordinarily leads on to or is the parent of another, so is it also in the body politic, where many of the most dangerous diseases by which it is oppressed are clearly to be traced to the disordered state of its representative system. More especially in the department of administrative government, and in every branch of it, are the effects of this evil exhibited. In the distribution of promotion, what might aptly be termed "the scrambling system" has been established, closely corresponding with the popular election system which is pursued in the choice of a representative. The principle of the scrambling system is that the preference of a candidate for any official post should be decided, not by the merits of the individual, or his fitness for the office, but by the amount of political interest which he possesses, or the power that he has of exciting an agitation on his behalf. Even where the most important offices have to be filled, the personal influence of the applicant, or his connection with the ministry, instead of the consideration of the public benefit, are what too often determine his selection. This system, however, which pervades and corrupts the whole

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administrative department of the State, originates entirely in the anomalous condition of the representative system. Thus, a member of Parliament depending for his election upon the will of his constituents, is obliged to conciliate their favour; and in the disposal of the preferment entrusted to him, or which he has the interest to obtain, the influence of the applicant among the constituency, and not his peculiar fitness for the office, is what in most cases really determines his appointment. The same system, originating with the constituent bodies, is carried on through all departments of the State; and as the members of the representative body are pressed by their constituents, so do they in turn press the ministry, and the scrambling system is made applicable alike to the disposal of every office, however important, that may happen to become vacant.

The remedy for this evil can be only effected by commencing at the fountain head. Reform the representative system, and administrative corruption will soon cease.

As regards the qualification required of members of Parliament, this ought to consist in all cases of a certain amount of property, so as to give the representative an actual stake in the country; for though returned by one interest only, he is empowered to legislate respecting them all. It is

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also important that this qualification should be a real one, and that no fictitious claim should, as at present, on any account be allowed. But it should be also of a reasonable amount only. An interest to the extent of 1000*l.* in land for a county member, or of 1000*l.* in personal property for a city or borough member, appears sufficient for the purpose.

This qualification ought, however, to be of a mixed character, so as to ensure the possession of a certain degree of intelligence and information, and moral endowment, as well as property. Gross immorality ought, equally with insolvency, to disqualify an individual for the office of legislator. A State should no more to be ruled by its profligate members, than a man should be influenced by his bad passions and corrupt inclinations. On the other hand, some of our greatest statesmen have been but poor men. Burke lived mainly on his pension; and Pitt died almost a pauper, and the nation generously and gratefully paid his debts. The main advantages of having wealthy rulers in a State are that by this means they have much at stake; and that not only are they less likely to be influenced by corrupt motives, either as regards their conduct in office, or their efforts to hold it, but they are more exempt from the suspicion of any such weakness.

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The House of Lords, though not elected by the nation, is nevertheless at present the real representative of its great and leading interests, especially of its virtue, its intelligence, its loyalty, and its wealth. In this respect its importance to the State and to all classes is immense. That the aristocracy, as a whole, do fairly and efficiently represent the interests of virtue and intelligence, as well as those of property, is not only proved by their character and conduct as a body, but is in nothing more strikingly exemplified than by the severity of the sarcasms which are ever wont to be hurled against those individual members of their community who occasionally deviate from a correct course. If it was not for the rarity of these deviations, and for the strong and marked contrast which they present to the general conduct of the whole body, but little notice would be taken of them, and they would fail to excite any particular comment.

A peerage was conferred not long ago, on the granting of which it was authoritatively announced that the object of Her Majesty in ennobling the individual thus honoured was to afford in the Upper House a representation of a branch of the great manufacturing interest of the country. But if the principle of representation is thus acknowledged to exist in the House of Lords as well as in the Commons, surely the higher interests to which I have alluded, and which have been of late years

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so depressed, ought fully to be represented in that assembly which is their peculiar province, while those which have no direct or immediate connection whatever with that assembly are admitted to representation there. And if the commercial interest, which is in certain respects antagonistic to that of intelligence, is to obtain its share of representation in the House of Lords, it is, doubtless, but a due adjustment of interests to extend the interest of intelligence in the House of Commons.

It has, however, been urged of late, that the wealth of certain members of the aristocracy has so declined, that they can no longer be regarded as having that stake in the country which, as hereditary legislators, holding the rank they do, they ought to possess. Indeed, Sir Thomas Smith, in his "Commonwealth of England," * observes of the nobility, — after specifying the amount of property necessary to be possessed by a person on his being raised to any particular rank in the peerage, — that "if they decay by excesse, and be not able to maintayne the honour (as *Senatores Romani* were *amoti Senatu*), so sometimes they are not admitted the Upper House in the Parliament, although they keepe the name of Lord still." It may, therefore, be fairly submitted to that illustrious body, and to the nation generally, which is

* c. xvii. p. 21.

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equally interested in this question, whether certain measures might not reasonably and beneficially be adopted to preserve the property qualification, if we may so term it, which ought to belong to the members of that House. For this end, indeed, it is not so much required that any positive enactment should be passed, as that merely certain restrictive measures relating to the perpetuation of property in the same family should be abolished. For instance, the law against entails for more than a certain number of lives, that against perpetuities, and that against the accumulation of property, might fairly be repealed, so that property to a certain amount, sufficient for keeping up the dignity and for giving to the possessor of it an adequate stake in the country, should be allowed to accumulate, and to descend attached to the peerage. Landed estates might also be permitted to be entailed on the successors to a peerage, as has indeed been actually done by Act of Parliament in the case of estates given by the nation for services rendered to it. A property thus settled would confer on the owner for the time being only a life interest, so that he could not encumber it to the prejudice of his successor. Estates might, in such a case, be bought, or directed to accumulate for the support of a peerage, either by its founder, or successive members, and thus secured to all the inheritors of his honours without

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the fear of being wasted by the imprudence or extravagance of any one particular descendant. The property permitted to be perpetually entailed, might of course be limited to a certain amount in the case of each of these honours, as so much on a dukedom, so much on a marquisate, and so much on the other gradations of rank.

The proposal to create peers for life, by which men distinguished for their abilities or their acquirements, but without wealth to support an hereditary peerage, might become members of the Upper House of Parliament, would to some extent atone for the comparative diminution in the number of spiritual peers, who formerly constituted not only the most learned, but the majority in number, of the members of the House of Lords. The intellectual power and the constitutional value of that august assembly would doubtless be much increased by such an addition. The peerages so bestowed should be the reward of long services and tried abilities; while the seats in the House of Commons appropriated to the learned bodies would be filled by younger men, less advanced, who ultimately aspire to the former distinction.

Probably the most unobjectionable plan for the creation of peers for life would be to institute an order of lay nobility, analogous to that of the spiritual peers, by annexing baronies to certain

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offices or positions, so that the holders of them, as in the case of the incumbents of episcopal sees, would be thereby entitled to seats in the House of Lords by virtue of such baronies, without conferring any hereditary nobility upon the individuals in question; and who, from the emoluments of the offices to which the peerages were annexed, would obtain incomes sufficient to support their dignity and to maintain their independence. This might be effected in the case of certain judicial offices, the office of Commander-in-chief, the Lord High Admiral or First Lord of the Admiralty, the Minister of Education, and some other appointments connected with the military and naval services, as also with learning and science, of which it is desirable that the holders should grace the House of Lords. Thus, in the department of the law, baronies might be annexed to the Lord Chancellorship, each of the Chief Justiceships, the offices of Lords Justices, the Mastership of the Rolls, the Chancellorships of the Duchies of Lancaster and Cornwall, and the highest judicial office in the Eccclesiastical Courts, which, nevertheless, need not prevent any of the holders of these offices receiving an hereditary peerage, where the peculiar circumstances of the individual rendered such a step desirable.

If, however, it be objected that the plan here

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proposed would leave the House of Lords bereft of law lords to sit on appeals, composed of those who have retired from office, but who by the present plan would, as in the case of retiring bishops, lose their peerages as well; I would reply that it is surely not desirable that the highest court of justice in the realm should be composed mainly of judges who are declared to be too aged and infirm to discharge their ordinary and less important functions. Besides which, by the increase of law lords, through the proposed measure, a sufficient body of peers of this class would be formed for attendance on the House of Lords, and the places of the retiring law lords would always be at once supplied by new appointments. All invidious distinctions between judges of the same rank, from some being ennobled while others have no such rank conferred upon them, would moreover by this plan be wholly obviated.

By adopting the proposal here made, we should at once avoid the creation of a new order of nobility which might injure or endanger the present constitution of the House of Peers; and the objections against such a measure that it would enable a minister on a political emergency to create an unlimited number of life peers, so as to inundate the House of Lords with nobles of this class, would no longer exist, as the creations would be limited to the

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holders of certain offices, which could only be filled up as they became vacant. The order of peers for life by virtue of the baronies annexed to their offices, already exists in the case of the bishops, and did also formerly exist in the case of the mitred abbots who sat in Parliament by virtue of the baronies attached to their abbeys.

The prevention of bribery, which, since the passing of the Reform Act, has been so extensively on the increase, more especially, if their friends are to be credited, among the constituencies favourable to democratic progress, now demands the serious attention of the Legislature. It can hardly be doubted that the adoption of the plan of representation proposed in the foregoing pages would tend much to decrease, if not to extinguish, this practice, inasmuch as, in the first place, the representatives returned by the corporate bodies would not be likely to obtain their seats by this means, any more than the members for the Universities are now suspected of doing; nor would the property voters, or the professional voters, be disposed to take bribes from the candidates for their suffrages. And as regards the personal voters, these would in most constituencies be too numerous to be thus influenced.

Perhaps, indeed, we should first decide the preliminary question,—whether bribery ought to be

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prevented or not; whether those persons who are possessed of no discretion whatever, or who have no knowledge of state affairs (as is doubtless the case with many worthy electors), so as to have a choice or preference of any kind of their own as to the exercise of their votes, and who are wholly incompetent to determine in what way they ought to be given, may not be allowed to sell them, or otherwise to dispose of them in the manner most advantageous to themselves; more especially as preferment or patronage of a higher and more important kind is legally saleable. Here, however, it should be borne in mind that the elector holds the franchise not for his individual benefit, but as trustee for the benefit of the State: He is not privileged to vote for a representative for the mere purpose of promoting his own private advantage, but to aid in electing the man best calculated to serve his country. His absolute incompetence to exercise his privilege properly cannot for one moment be supposed to confer upon him the new right to sell it to the best bidder, although it undoubtedly ought, on the contrary, to disqualify him from exercising it at all.

But it may be said that a large portion of each constituency are in this predicament, who are nevertheless deemed peculiarly worthy of exercising the franchise. If, however, those are worthy

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of the franchise who lack discretion sufficient to exercise it aright, it may be difficult to maintain that bribery ought to be prohibited, inasmuch as those who are entirely ignorant how to exercise their elective privileges will be quite as likely to use them properly when sold, as when given freely. If they are unfit to exercise the privilege at all, then we come back to the original argument, to which this circumstance serves as a powerful support, that the real interests of the nation ought not to be borne down by the weight of mere numbers; in other words, by the influence of those who are unable or unwilling to use the franchise aright and who only abuse the political privileges of which they are possessed.

All conduct which proceeds from or is influenced by corrupt motives, either in an individual or a nation, is alike pernicious, and requires in every case to be discouraged, whatever may be the ultimate result which is anticipated therefrom. Possibly, however, in practice, the most efficient plan for the prevention of bribery might be to legalise both that and treating, and every other electioneering expense and extravagance to the fullest extent, by which the evil would at once become so enormous that it would speedily of itself work its own remedy. This proposal is, indeed, somewhat analogous to the plan for preventing

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bribery, which is now seriously urged by some who are sincerely desirous of checking the evil, by extending the number of voters in the class most open to bribery, by means of which it is contended that they would be rendered too numerous to be thus corrupted. But, however practically beneficial any such plan might prove, that which is utterly bad in principle ought never to be adopted or sanctioned in legislation.

The only argument approaching to a legitimate apology for bribery at elections appears to me to be the fact that alone by resorting to this practice, in many cases property and intelligence are enabled to acquire their due influence over numbers and ignorance. But even this circumstance is wholly insufficient to atone for the evil. And bad, indeed, must be the condition of a representative system, which is dependent for its correct operation on the actual perpetration of crime.

As regards the ready, easy, and well-precedented plan of punishing constituencies for corruption, by disfranchisement, it must be admitted to be in many cases unjust to deprive a whole body of their votes, when a large number of them, perhaps the majority of the constituency, are not only incorrupt, but incorruptible, and have withstood both the attempts and the example of their venal brethren to induce them to follow their evil example. In

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addition to this, it will often, nay generally, happen that the corrupt portion of the constituency consists of those who do not represent, and never have represented its real interests, but, on the contrary, have either always been opposed to them, or ready to betray them by selling their votes. The professional and commercial part of the constituency surely ought not to suffer for the delinquency of those who have ever run counter to their influence.

Suppose, however, for a moment,—what is perhaps too much beyond the fair limits of probability gravely to calculate on,—that the House of Commons should, from some unaccountable, unforeseen circumstances, exhibit a resolute determination to put a stop to the progress of bribery, what would be the course that it should adopt? At present, indeed, great as is, no doubt, its abhorrence of the treason perpetrated by the members of that House, its tenderness towards the traitors exceeds all bounds. Its efforts at self-chastisement are far too lenient to deceive even the most credulous among the bystanders. The penitential peas are duly placed in its shoes, but they are too carefully boiled to hurt its tender soles. The astonishment of the nation would, therefore, be too great seriously to believe that a deliberate design had really been formed for the extinction of this odious practice. In such a case, however, the first step would probably be to refer

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the investigation of the whole question, and the punishment of the delinquent, to some other tribunal than that consisting of the coadjutors of the criminal and the participators in the booty; as for instance to the Courts of Westminster Hall, where the evidence would be rigidly scrutinised, and impartial justice would be sure to be dealt out.

But, besides the abhorrence of corruption, which is wont to be manifested as regards the guilt of the needy elector in taking the proffered bribe, in which his conduct is certainly wholly unaccountable, surely some small measure of this indignation ought to be reserved in the phial to be poured on the head of the candidate who forces on him the money. The hungry voter, whose patron saint should be Esau, is but the passive instrument. The active agent is the candidate. While, in every inquiry of this nature, there is very great difficulty in discovering into whose particular pockets the price of iniquity has gone — though it is quite certain that a considerable investment has been made by some one in the purchase of this commodity — there is no doubt whatever out of whose pocket the sum for so vile a purpose has come. One obvious and simple remedy for the prevention of bribery at elections, appears therefore to be, to require of every member, on taking his seat, an

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express declaration on oath, as to the whole amount of money which he has expended in the election, and the principal items of each head — as so much to so many agents, so much for the expenses of the hustings, and so much for the remaining expenses, specifying their nature; and that he has neither directly nor indirectly expended any other sum about this election, nor has any one else on his behalf.* If such a plan was adopted, and vigorously carried out, a fatal blow would be given to bribery, as it would be found far easier to closely question, and detect a false statement in a candidate, than to institute such an inquiry among a body of electors, any of whom would still be as liable to examination as they are at present.

In the extermination of bribery, those who give, as well as those who receive the bribe, ought ever to be punished to the utmost extent, and in the mode most likely to prove efficient for the prevention of an offence which is fatal to the principle of popular representation. A disqualification,

* Subsequent to the publication of the pamphlet alluded to in the Preface, which forms the germ of the present work, and in which was contained the preceding paragraph precisely as it now stands; this plan has been adopted by no less an authority than Lord Brougham, who proposed a Bill for carrying it out literally. Since then, a measure akin to this, and which, it is hoped, may prove efficient, has been introduced by Government and passed into a law.

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not merely from sitting in Parliament for a certain period, but from ever being permitted to enter its portals, or to hold any civil office whatsoever, ought at least to be inflicted. The candidate is in every respect more culpable than the elector in such a case, not only as he is the first instigator to the crime, but, from his superior station and education is more fully aware of the heinousness of the practice.

One specific against bribery, supposed by many to be a sure one, and which has been in consequence strenuously advocated, is the Vote by Ballot, or by some other secret mode, by means of which the temptation to bribe would be taken away, inasmuch as there would be no certain mode of ascertaining for whom the voter had polled.

Two important objections have, however, been urged against the ballot and other similar devices for ensuring secrecy in recording the suffrage. 1. That it is demoralising and democratic in its tendency. 2. That it would not prove efficacious to prevent bribery, or even so efficient as other modes which might be adopted.

The leading principle to be observed, as regards the mode of exercising the franchise, is that such a plan should be adopted as will tend most to prevent mistakes, which will be attended with the least possible amount of trouble and hinderance, and

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which will be productive of the least expense to either party; while at the same time it protects the voter from all attempts at undue influence. Giving votes should be like giving charity. The donor ought to be at full liberty to give in secret where he prefers it, or to give openly if he deems that most proper. The former plan is perhaps in each case the best for the donor, as it exempts him from all criticism. The latter may be the best for the public, as others will then be benefited by his good example.

The main use of resorting to secret voting is that thereby you obtain a certain degree of protection against both bribery and intimidation. But by this mode you also lose the opportunity of punishing these crimes. The latter of them, equally with bribery and treating, ought not only to be rendered punishable, but to be invariably punished in such a manner as will best serve to discourage the practice.

While, however, it appears to me that, for the reasons assigned, the vote by ballot is incapable of adoption; yet I do think that a plan might be devised which, while it would secure all the essential objects aimed at by the ballot, would be free from many of the objections to which that proposal is liable. The plan which I, therefore, suggest is, that every person who desires to

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record his vote privately, should be allowed to do so in writing by signing a paper in due form for the purpose, which should be delivered to the returning officer; and which paper should be accompanied by a declaration that the voter has neither directly nor indirectly been induced by corrupt influence, to which secret voting is in many respects peculiarly liable, and in which it is more difficult to detect this crime than where the vote is openly given, and the actions of the voter and those about him may be observed. The returning officer in such case should keep the voting papers in his possession, and examine them at the close of the poll, so as to prevent the same party voting more than once, as he is enabled to do where the ballot is resorted to; but he should be sworn to secrecy, and not to divulge the name of the voter to any one under a severe penalty, to be recovered by the voter himself, except in the case of a judicial inquiry respecting the bribery or corrupt influence of such voter.

Recording votes by papers would further tend to decrease bribery, as the state of the poll could not be known during the progress of the election, if even a part only of the votes were so given. At present bribery is mainly resorted to towards the close of the election, when the numbers of each

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party are nearly even, so that the purchase of the unpolled votes will secure the return. Unless a portion at least of the votes were recorded in private, it would be almost impossible to prevent the number given for each being made the subject of calculation.

The ballot has been mainly objected to by many from its tendency to give undue influence to the democratic party in a State. In several respects, however, the modified plan for private voting here proposed is not only free from most of the objections which might on this account be urged against the ballot; but, from its enabling many people to vote who are now deterred from doing so, either by the travelling expenses necessary to be incurred from their residing at a distance from a polling place, or by their dread of popular violence and intimidation, its influence must be decidedly constitutional, and favourable both to freedom and purity of election. Indeed, one of the greatest advantages that would result from allowing votes to be given by the signature of the elector, without requiring his personal attendance, is that many individuals who are sick, or infirm, or aged, or timid, and so unable to face the tumult of the hustings, would thereby be enabled to record their votes without trouble or danger. The suffrages of several persons of extensive

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knowledge and cultivation are now withheld from the dread of mob violence.

In many a constituency it may frequently now happen that a clamorous unscrupulous mob-minority will, by noise and intimidation, carry all before them, not indeed by their votes but by their violence. Minorities, however they may in certain cases complain with justice of their hard lot in being left without a representative, in several instances contrive to engross that which belongs of right to the majority only. Indeed, minorities are by no means of necessity the feeble and miserable bodies which many are wont to make them out to be. The placid, indolent majority is soon subdued to the will of the vigorous, active minority. Not only elections, but revolutions also, have frequently been brought about by the superior energy of the latter. Here, again, the body politic closely resembles the body natural. While the general portion of the frame which is in a healthy condition carries on its operations imperceptibly and without causing excitement; any diseased member, however comparatively insignificant, produces irritation and fever through the whole system, and contrives to exercise an influence greater than that of all the healthy organs together. And as in the body natural, so in the body politic, the unhealthy energy or excitement of a small part

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of it will, if not efficiently counteracted, speedily disturb and destroy the healthy action of all the sound members.

Satisfactory examples not only of the adoption, but of the operation, of the plan of voting for representatives by private polling papers, may, however, be referred to. In Holland, whenever a vacancy occurs among the representatives, an officer goes from house to house, and collects from every person entitled to vote, a paper signed and sealed, and containing the name of the candidate on whom his choice falls. These billets are opened by persons who are sworn not to divulge the suffrages of any of the voters. Other States, too, pursue a similar course.

If this and other efficient means for the suppression of bribery, and corruption, and intimidation, and undue influence of every kind, were adopted, the complaint would, no doubt, be speedily remedied. Bribery, which is the most extensive of these evils, we might then, though perhaps then only, hope to see so entirely banished from each constituency that the readers of political history would wonder at and scarce credit the corruption and degeneracy of our own boasted age; and a voter whose suffrage could be purchased by money will be regarded, like the mammoth, as a totally extinct species, astounding to all natu-

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ralists for its apparently amazing powers of consumption, and its stupendous capacities for grasping its prey; but which will be considered, also like the mammoth, as an animal obviously only capable of living in a condition of the world which has happily long ceased to exist.

Immediately and closely connected with the subject of Parliamentary Representation, is that of a change in the duration of Parliaments, a matter which has often been mooted, and which has been debated with as much zeal and energy as any other topics of this kind. For all practical purposes, seven years is probably as much too long as three years is too short, for a Parliament to continue. Five years appears the happy medium which should be fixed as the limit of its duration.

But here it seems to me that we may with much benefit take a hint from the electoral constitution, both of other States, and of certain public bodies, which have in this respect considerably the advantage of our boasted representative system.

In the first place, the uncertainty as to the duration of any particular Parliament must be in itself, on many accounts, a very great evil. This uncertainty in the existence of the functions of other branches of the State, which formerly depended on the life or on the will of the sovereign, was found productive of serious inconvenience and

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considerable mischief, which occasioned its remedy at last. The commissions of the judges and magistrates were once held on this tenure; but experience of the bad effects of such a regulation caused them to be made of certain duration. On many accounts it is most important that the duration of Parliament should be also certain, and not be subject to any contingencies. An undue influence over the deliberations of Parliament may be, and often is, exercised by the threat of a dissolution, in case an unpopular, it may be a pernicious, ministry is placed in a minority in the House of Commons. In other words, owing to the uncertainty in the duration of Parliament, although its members may have a decided opinion in one direction, they are driven to vote in another, in order to avoid the inconvenience of a dissolution. Thus, the public interest is sacrificed to their private considerations. This is of itself a very grievous defect in a deliberative assembly. A threat by the minister to dissolve Parliament unless the House of Commons agrees to a particular measure, is doubtless a very unconstitutional proceeding, if it in any way influences the deliberations of that body, and induces its members to vote at all differently to what their reason would have inclined them. Yet, unless such a threat was found to succeed, it surely would not be resorted to so frequently.

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This is a species of intimidation not less pernicious than that proceeding from mob dictation; although its influence may be in an opposite direction. The tendency of both alike is, however, to prevent and put an end to the deliberative functions of the Legislature. If the duration of Parliament was rendered certain, it would no longer be subjected to this undue influence, and its efficiency as a deliberative assembly must be proportionably increased.

As regards the dissolution of Parliament being occasioned by the demise of the sovereign, there is indeed not only no solid constitutional reason for it, but, on the contrary, such an event is in reality one which renders the existence of a Parliament most essential at such a period.

It may, moreover, be doubted whether the dissolution of the whole Parliament at once is not in many respects an evil. And when this happens, as it frequently does, on an occasion of great public excitement on any particular question, when men's minds are for the time unduly agitated about it, this is, surely, of all periods, the least adapted for the popular election of a representative assembly. General qualifications will then be disregarded in favour of strongly expressed opinions, however hastily formed, on the popular side of the question. And the assembly thus elected, constitutes the repre-

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sentative body of the nation, without change or revision, until the next election, and has to decide on all questions that come before it.

By dissolving the whole Parliament at once, and at a time of popular excitement, you appeal to the passion and the prejudice, instead of to the sense and the reason of the nation. Who would think of acting in such a manner in endeavouring to procure the best opinion on any important subject from an individual? And if the opinion pronounced by passion, and that pronounced by reason, are generally diametrically opposite, it may surely be inferred that the former is in most cases wrong. Yet the former is that which we ordinarily obtain by having parliamentary elections during periods of popular excitement, under our present system.

"Appealing to the sense of the nation," as it is technically called, when Parliament is dissolved at a time of great popular commotion, on a subject supposed to be of vital importance to the interests of the people, in order to ascertain the deliberate sentiment of the nation, is very much like giving a man a hearty blow or kick, which puts him in a violent passion, for the express purpose of ascertaining his solemn opinion on any topic particularly requiring cool and collected deliberation!

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By the constitution of some public bodies, whether civil corporations or commercial companies, as also in the assemblies of certain countries on the Continent, the representative body is elected for a fixed period, while a portion of their number resign their functions by rotation, so that about a third only of the whole is returned at once. In Holland, one third of the Chamber of Representatives or Deputies is renewed every year, by which an election of one third only takes place at a time. In Belgium, the elections occur every four years, one half of the members being renewed every second year. Also, by the American constitution, the senators vacate their seats at different times, so that one third may be chosen every second year.

By means of an election at different periods of the same Parliament, the danger of prejudice from popular commotion would be greatly decreased. And if the plan of a treble election of representatives to the House of Commons, by three distinct orders of voters in the mode here suggested, was to be adopted, there appears to be no reason why the election of the representatives should not be at three distinct periods. Those of each class should in such case be chosen to serve for five years from the time of their election, if at a general election as regards that particular class; or up to

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the next general election of the class, if the vacancy be occasioned by death or resignation.

The grand political desideratum of the present age is the attainment of perfect freedom for the people. Yet freedom itself, however greatly to be prized, is ever liable, if not duly regulated, to degenerate into anarchy, and may ultimately be transformed into despotic tyranny. To political liberty of every kind the main safeguard is self-government. But self-government can be effectually secured and exercised only through the medium of representation. As a necessary consequence, therefore, it follows that the more perfect is the representative system in any State, the more extensive and the more complete is the liberty of the subject.

Salus populi suprema lex, is the greatest and most true of all political maxims, provided only that it be taken and considered in its full, and ample, and complete acceptation. In each of the sciences, however, and in every department of philosophical investigation, the most profound axioms being those which admit of the widest interpretation, are also those which are liable to the greatest abuse. If that grand maxim now before us, which should be the pole-star of every patriotic statesman, be so narrowly construed as to mean that the people, vulgarly so called, that is, the mere nume-

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rical influence of the nation, have an inherent right, by the first principles of political philosophy, to the whole direction of the State,—that the interest and influence of the masses ought to overrule and outbalance every other, — and that the voice of the multitude is that alone which should guide the measures of our statesmen;— then is this great axiom, when so misapplied, likely to be most pestilential in its consequences, and disorder and misrule, and anarchy, can be its only natural result. But if, on the other hand, its true genuine, liberal, and comprehensive interpretation be received;—if it be considered to mean that the ultimate end and highest object of all political government is the promotion of the security and the well-being of the State as a whole, and of all its interests together,—religious, moral, intellectual, commercial, social, and popular,— and of all in their order, and in due proportion,—then will this grand truth be the more highly venerated the more fully it is understood,—and the more completely its consequences are carried out, the more extensively beneficial will be the results that will ensue. Indeed, it will ever be found that, exactly in proportion as each political measure is framed and based upon this noblest and purest of political principles, the more absolute will be its claim to the support alike of the people at large, and of

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that body in the State which is their legitimate representative.

To the genuine, thorough-going partizan, to whatever denomination of politicians he may be allied, I can hardly indeed hope to recommend the adoption of either the principles or the plan here advocated, inasmuch as such a person is essentially distinguished from the true patriot, by supporting, on all occasions, not what he believes to be the best for the real interests of his country, but what seems to him most likely to promote the objects of the sect of which he is the slave. A person of this class will always espouse as his favourite measures, not such as are most required for the actual well-being of the nation, but such as are most likely to be popular with those whose favour will secure his own political power and authority. To such an individual, moreover, the system proposed cannot possibly be congenial, as it establishment would probably deprive him of every opportunity of pandering for popularity to the mere mob.

Possibly, indeed, when other good and sound arguments are found to be unavailing, some may object to the foregoing principles and plans on the score alone of their novelty. All new ideas, like all strange and unknown personages, are naturally liable to suspicion at first. And it must candidly be admitted that how many soever may be the

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failings of the present age, yet its modesty ought to be allowed to atone for much that is amiss. Thus, it deems nothing can be good which it invents itself; and it trusts to a former and far less enlightened generation for all the fundamental principles of law and legislation. We still cling to many of the barbarisms of feudalism in the regulation of property, and esteem these not only the most sound, but the most practical rules for the exigencies of our own times.

Surely, however, all sincere radicals, all the advocates for universal suffrage and for the general extension of the franchise, will agree to a plan of representation which concedes to so large an extent the whole of what they are demanding. On the other hand, the Conservative party ought certainly to support it, inasmuch as it will ensure the fair representation of intelligence, and property, and the higher influences of the State, in the House of Commons. All the genuine lovers of peace and order, all men of property and who have much at stake, to whatever party they belong, ought heartily at once to espouse it, as calculated to settle both fairly and satisfactorily, the long agitated question of the various conflicting claims to the suffrage; and as affording the only legitimate and sure mode of counterbalancing the rapidly advancing democratic influence in the State. By

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this means also, the adjustment of the relative strength of parties would be at once effected, without the fluctuation which now follows each election, as the respective interests and representative bodies would always return men of their own opinions and principles, and mere chance would no longer determine the choice of a candidate.

That, moreover, must be allowed to be the best representative body, however elected, which contains the greatest number of valuable and efficient members, and best serves to represent the real interests of the State. By the plan here proposed, both these grand desiderata would not only be accomplished, but the representatives would also be elected in the fairest and least objectionable manner.

If we consider, on the one hand, the object and the importance of the popular election of a parliamentary representative, the end being to obtain the free and deliberate opinion of the nation upon deep questions of State of the utmost national consequence; and when we contrast with this consideration, the debauchery, bribery, licentiousness, and fraud by which this transaction is now principally characterised, it is scarcely indeed possible to conceive any proceeding, both in theory and in practice, more anomalous, or more palpably absurd, or which is

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so little calculated to serve the object at which we professedly aim.

There can be no doubt, indeed, that two great constitutional advantages would at any rate result from the adoption of the plan here proposed. The chief complaint of the present day is the corruption of the constituencies. By the creation of constituencies for the representation of the higher interests, in the mode suggested, the number of corrupt constituencies must be necessarily diminished, while the number of those which are incorrupt must be greatly increased.

Attempts have sometimes been made to describe a patriot king, and a patriot minister, as though the real existence of such beings, although, like angels, they do not often come among us, was a matter of actual belief. But no attempt that I have ever heard of has yet been made to describe that entirely fabulous monster, a patriot Parliament. Let us hope, however, notwithstanding the apparent improbability of the event, that such a being may ere long be produced, and even exhibited in the British Empire. This body will be at once perfect as well as patriotic, only when it represents all the interests of the State.

As regards the mode in which the energies of such a body ought to be exercised, the progress of legislation should be like that of growth in

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nature, slow, and gradual, and almost imperceptible, vigorous shoots supplying what decay has rendered desolate. In our day, however, legislation as regards its progress resembles in nature rather the efforts of the whirlwind, or the violence of the storm, than the quiet and steady growth of vegetation. Indeed, all great and important measures are wont to be carried more by agitation and passion, than by argument and reason. When one particular party for a time gains the ascendancy, it is eager to take advantage of the crisis to accomplish what in another season the change of opinion in the popular mind may render no longer feasible. Hence, not the value of a measure, but the whim of the public, is what determines both its proposal by the Government and its enactment by the Parliament.

No grander view, no spectacle more sublime, does the universe afford to us than that of a great nation, one vast and mighty mass of animated and intelligent beings, of every variety of interest, and feeling, and cultivation, and occupation, each actively engaged in the exercise of full political rights and privileges, but each using them for the promotion alone of the welfare of the State, the common parent and protector of them all. Like the several wheels of some powerful engine, however complicated its contrivance, they all move at once, they all

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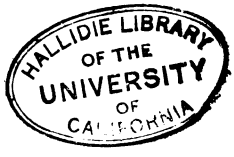
move in harmony, and they all tend to the attainment of the same great purpose. Disorder in the smallest and most insignificant portion of the machinery produces confusion throughout the structure. Or, as in the case of the action of a sound mind in a sound body, the powers of the two are exercised together, the energies of both are fully developed, and in perfect harmony all their varied operations are carried on at once. Thus the State and the man resemble one another, alike, in the development of their highest faculties and noblest energies being the proper exercise of each; and in the accomplishment, through these, of the utmost amount of practical benefit to all connected with them, being the ultimate aim at which each should aspire.

THE END.



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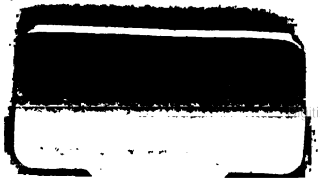

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